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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,714

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EXAMINER

MACKEY, JAMES P

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,714	<b>Applicant(s)</b> VAN ESBROECK ET AL.	
	<b>Examiner</b> James Mackey	<b>Art Unit</b> 1722	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-39 is/are pending in the application.
- 4a) Of the above claim(s) 6-10, 22-26, 32-37 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21, 27-31 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/863,802.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's election with traverse of Species C, claims 11-21, 27-31 and 38, in the reply filed on 21 March 2006 is acknowledged. The traversal is on the ground(s) that all of the six claimed species have the same field of search, and therefore there is no serious burden on the examiner to search and examine all six claimed species together. This is not found persuasive because, while there would be an overlap of searches for the six claimed species, the searches would not be coextensive (for example, a full search of the non-elected species having an adjustable base would include a search of 425/195, which is not required for a full search of the elected species); moreover, the issues raised in the examination of all of the six claimed distinct species would be diverse. Therefore, a serious burden exists for the examiner based on the additional work involved in searching and examining all of the six claimed species.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-10, 22-26, 32-37 and 39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 21 March 2006.

3. Claim 29 is objected to because of the following informalities: claim 29 does not end in a period. Appropriate correction is required.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described

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in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not describe a belt “positioned around substantially the entirety of the first surface of the drum” as is claimed in claim 20.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38 is incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the means for accomplishing the functions as described on lines 9-11.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anderson (U.S. Patent 4,586,888; Figures 3-4).

Anderson clearly teaches a molding device comprising a movable drum 14 having cavities 16 opening along a first surface of the drum, a mass-feed component 12 positioned adjacent the drum for feeding mass into the cavities, a belt 18 positioned adjacent the drum for bearing against the first surface of the drum to temporarily close the cavities, and belt pressure

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means 19 to exert pressure directed substantially toward the drum on a portion of the belt that bears against a portion of the first surface of the drum.

10. Claims 11, 18 and 27-31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benham et al. (U.S. Patent 5,752,364; Figures 1-8).

Benham et al. clearly teach a molding device comprising a movable mold drum 18 having cavities 24 opening along a first surface of the drum, a mass-feed component 36' positioned adjacent the drum for feeding mass into the cavities, closure means 20 for temporarily closing the cavity opening, first film-feed means 68 for placing a film 66 to cover the walls of the cavities, and second film-feed means 44 for placing a second film 16 over the mass in the cavities, wherein the mass-feed component includes additive feed means 102a, 102b for feeding additives to sub-streams of main feed 100 pumped by extruder 54, and a plurality of pump devices 104 connected to plural sources of material 14a, 14b, and wherein the pumped feed material is supplied at a first position via line 150 and a second downstream position via line 152 (Figure 8) to form a composite product.

11. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Israel (U.S. Patent 5,683,734; Figure 2).

Israel clearly teaches a molding device comprising a movable mold drum 44 having cavities 46 opening along a first surface of the drum, a mass-feed component 18, 48 positioned adjacent the drum for feeding mass into the cavities, a belt 54 positioned adjacent the drum for bearing against the first surface of the drum to temporarily close the cavities, belt pressure means 52 for exerting pressure directed substantially toward the drum on a portion of the belt that bears

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against a portion of the first surface of the drum, and film-feed means 60 for feeding a film 62 between the belt and the first surface of the drum.

12. Claims 11, 12, 14 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baker (U.S. Patent 2,146,786).

Baker clearly teaches a molding device comprising a movable mold drum 1 having cavities 1a opening along a first surface of the drum, a mass-feed component 2, 4 positioned adjacent the drum for feeding mass into the cavities, a belt 6 positioned adjacent the drum for bearing against the first surface of the drum to temporarily close the cavities, and belt pressure means 7 for exerting pressure directed substantially toward the drum on a portion of the belt that bears against a portion of the first surface of the drum, wherein a filling pressure is exerted on the mass during a filling period and a fixing pressure is exerted on the mass during at least part of a fixing period, and wherein the fixing pressure is capable of being varied during at least part of the fixing period (note page 2, right hand column, lines 28-29, reciting “the pressure contact will be more gradually applied”, and page 3, left hand column, lines 7-9, reciting “pressure reaches its maximum as the pas pressed below the axis of the die roller”).

13. Claims 31 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rouse (U.S. Patent 1,803,408; Figure 1).

Rouse clearly teaches a molding device comprising a movable mold having plural cavities (defined by partition walls 18 and bases 20), a first mass-feed component 26 and a second mass-feed component 27 downstream of the first component for feeding first and second masses into the cavities, and closure means 28, 30 for temporarily closing the cavity opening and

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for exerting a variable fixing pressure on the mass in the cavities (see page 2, left hand column, lines 31-46).

14. Claims 11-13 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Traeber et al. (U.S. Patent 949,863).

Traeber et al. clearly teach a molding device comprising a movable mold drum “i” (or “t”) having cavities “u” opening along a first surface of the drum, plural mass-feed components “o” (including upstream and downstream components, see Figure 1a) positioned adjacent the drum for successively feeding mass into the cavities, a belt “h” positioned adjacent the drum for bearing against a portion of the first surface of the drum to temporarily close the cavities, and a film feed means “g” for feeding a film between the belt and the first surface of the drum.

15. Claims 11-14 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kremmling (U.S. Patent 2,130,887).

Kremmling clearly teaches a molding device comprising a movable mold drum 26 having cavities opening along a first surface of the drum, a mass-feed component 11 positioned adjacent the drum for feeding mass into the cavities at a filling pressure (page 2, left hand column, lines 20-21), a belt 35 (Figure 5) positioned adjacent the drum and bearing against a portion of the first surface of the drum to temporarily close the cavities, a film feed means for feeding a film 25 between the belt and the first surface of the drum, and belt pressure means 36, 37 for exerting pressure directed substantially toward the drum on a portion of the belt that bears against a portion of the first surface of the drum. Kremmling also clearly teaches a molding device comprising mold cavities having openings, a mass-feed component for feeding mass into the cavities at a filling pressure (page 2, left hand column, lines 20-21), and closure means 25 for

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temporarily closing the cavity opening, wherein the device is capable of applying a variable fixing pressure during part of a fixing period (see Figure 4 and page 2, right hand column, lines 60-73).

16. Claims 11, 15-18 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lombi (U.S. Patent 2,774,313).

Lombi clearly teaches a molding device comprising a movable mold drum 20 having cavities 26 opening along a first surface of the drum, a mass-feed component 27 positioned adjacent the drum for feeding mass into the cavities under pressure, a first film-feed means 10, 13, 16, 18 for placing a first film 14 to cover the cavities before mass is fed into the cavities, a second film-feed means 11, 13, 17, 19 for placing a second film 15 over the mass in the cavities, a connecting passage 55 connecting each cavity and a second surface of the drum, vacuum means 60 for removing air from the mold cavity to conform the first film to the cavity, and ejector means for removing the mass from the cavities using aeration means 61 for supplying pressure medium to the cavities.

17. Claims 11 and 15-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vogt (U.S. Patent 2,949,713).

Vogt clearly teaches a molding device comprising a movable mold drum 10, 18 having cavities 23, 27 opening along a first surface of the drum, a mass-feed component 43 positioned adjacent the drum for feeding mass into the cavities, a first film-feed means for feeding a first film S to cover the cavities before mass is fed into the cavity, a second film-feed means for feeding a second film S1 over the mass in the cavities, a connecting passage 33, 34 connecting each cavity and a second surface of the drum, vacuum means 36, 39 for removing air from the



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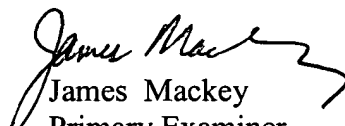
cavities to conform the first film to the cavity, ejector means for removing the mass from the cavity via aeration means 39, 67 for feeding air into the cavities, and a film-welding device 60, 61 for welding (heat sealing) the first and second films together.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James Mackey  
Primary Examiner  
Art Unit 1722

5/23/06

jpm